

REMARKS:

In response to the requirement for restriction, Applicants provisionally elect with traverse the Group I claims 1-39.

The Restriction Between Claims 1-39 And Claims 40-44 Is Improperly Made

With respect to the election of species required by the Examiner, Applicants assert that the Examiner has failed to meet the burden to properly require such a restriction according to U.S. PTO practice.

First, Applicants respectfully assert that the Examiner has not made a sufficient showing of an undue burden. While the Examiner takes the position that Groups I and II have separate status in the art, the Examiner fails to state how they would be classified differently. Indeed, Applicants submit that a search for the claims of one Group would be coextensive with a search for the claims of the other Group. Thus, without a sufficient showing, the Examiner does not properly make a restriction requirement.

Second, Applicants respectfully assert that Groups I and II are not properly characterized as subcombination and combination. A combination is an organization of which a subcombination or element is a part. The Examiner has not shown how Group I is a part of Group II. This must be done by showing that the putative combination, Group II, has other elements or parts that are not included in Group I. The Examiner has not shown how Groups I and II fit this definition.

In summary, Applicants traverse the Examiner's restriction and respectfully request search and examination of all the claims.

The Examiner is invited to call the undersigned attorney at the number listed below if it would help to expedite prosecution of the application. A petition for a one month extension has been contemporaneously submitted with this response, along with the required fee. Otherwise, it is believed that no further fee is due at this time. If that belief is found incorrect, the Commissioner is authorized to debit the assignee's deposit account 01-1375 for any fees necessary for a complete reply to the Office Action of July 11, 2003.

Respectfully submitted,



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Date: September 11, 2003

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed to:
COMMISSIONER OF PATENTS, P. O. Box 1450, Alexandria, VA. 22313-1450,
on this 11th day of September, 2003.

Christopher J. Cronin
Registration Number 46,513

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